IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Crl.MC.No. 3593 of 2007()

CC.316/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

.....

PETITIONER: 5TH ACCUSED

SREESANKAR VINOD, S/O.VINOD (LATE),
MADATHILPARAMBIL HOUSE, THALIYIL,
DHARMASALA, KALLIASSERY P.O., KANNUR DISTRICT.

BY ADV. SRI.B.PREMNATH (E)

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
STATION HOUSE OFFICER, KANNUR CITY POLICE
STATION (REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3593 of 2007

Dated this the 30th day of November 2007

O R D E R

The petitioner is the fifth accused in a crime registered alleging offences punishable inter alia under Section 324 read with 149 I.P.C. Investigation is now complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate. The petitioner has now come before this court with the prayer that the powers under Section 482 Cr.P.C may be invoked to quash the proceedings against the petitioner.

2. What is the ground? The learned counsel for the petitioner submits that the petitioner is a student. No specific overt acts are alleged against the petitioner in the F.I.S. In these circumstances, the final report filed against him as also the earlier F.I.R are liable to be quashed, it is submitted.

3. I find absolutely no merit in the prayer made. The mere fact that specific overt acts has not been alleged against an accused person faces allegations in aid of Section 149 I.P.C is no ground to quash the proceedings against him. Neither the F.I.R nor the final report can be quashed on that ground. No other

grounds are urged, though it is submitted that the petitioner is a student and great prejudice and hardship would result if he is not released on bail and if his personal appearance is insisted by the learned Magistrate. All offences are bailable and I am failed to understand how the petitioner will not be able to secure bail. All the offences alleged are summons offences and it is certainly for the petitioner to apply for exemption from personal appearance under Section 205 Cr.P.C.

4. I have no reason to assume that the learned Magistrate would not consider petitioner's application for bail under Section 437 Cr.P.C and his application, if any, filed under Section 205 Cr.P.C properly and in accordance with law. Every court must do the same.

5. This Criminal Miscellaneous Case is in these circumstances dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007